



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: S. WILDT et al.

Serial No. 10/500,240

Filed: March 23, 2005

For: METHODS TO ENGINEER MAMMALIAN-TYPE  
CARBOHYDRATE STRUCTURES

Art Unit: 1632

Examiner: J. Hama

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

08/02/2007 SSITHIB1 00000021 132755 10500240

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK &amp; CO., INC.

By 

Date

7/30/2007

**INFORMATION DISCLOSURE STATEMENT**

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- ☒ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted

By: J. DAVID REILLY

Attorney For Applicant(s)

Reg. No. 43,039

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594-6914

Date: 7/30/2007

Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE

## STATEMENT BY APPLICANT

(use as many sheets as necessary)

COMPLETE IF KNOWN

Application Number 10/500,240  
Filing Date March 23, 2005  
First Named Inventor S. Wildt  
Group Art Unit 1632  
Examiner Name J. Hama  
Attorney Docket Number GF0022P

Sheet 1 3

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code (if known)		
/JH/		2006/0160179		Bobrowicz et al.	07/20/2006
		2006/0040353		Davidson et al.	02/23/2006
		2006/0211085		Bobrowicz	09/21/2006
		2006/0029604		Gerngross et al.	02/09/2006
		2006/0078963		Gerngross	04/13/2006
		2006/0177898		Gerngross	08/10/2006
		2006/0148035		Gerngross	07/06/2006
		2007/0105127		Gerngross	05/10/2007
		2004/0018590		Gerngross et al.	01/29/2004
		2005/0170452		Wildt et al.	08/04/2005
		2005/0260729		Hamilton	11/24/2005
		2004/0230042		Hamilton	11/18/2004
		2005/0208617		Bobrowicz et al.	09/22/2005
		2004/0171826		Hamilton	09/02/2004
		2006/0286637		Hamilton	12/21/2006
		2006/0034829		Gerngross et al.	02/16/2006
		2006/0024304		Gerngross et al.	02/02/2006
		2006/0034828		Gerngross et al.	02/16/2006
		2006/0034830		Gerngross et al.	02/16/2006

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office Number	Kind Code (if known)		
/JH/		EP 1522590		Glycofi, Inc.	04/13/2005
		EP 1297172		Glycofi, Inc.	11/09/2005
		WO 2004/074498		Hamilton et al.	09/02/2004
		WO 03/056914		Glycofi, Inc.	07/17/2003
		WO 2004/074458		Bobrowicz et al.	09/02/2004
		WO 2004/074461		Bobrowicz et al.	09/02/2004
		WO 2004/074497		Hamilton et al.	09/02/2004
		WO 2004/074499		Gerngross et al.	09/02/2004
		WO 2007/028144		Glycofi, Inc.	03/08/2007
		WO 2000/061739		Kyowa Hakko Kogyo Co., Ltd.	10/19/2000

Examiner Signature

Date Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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**INFORMATION DISCLOSURE**  
**STATEMENT BY APPLICANT**

**COMPLETE IF KNOWN**

Attorney Docket Number	GF0022P
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Substitute for form 1449B/PTO

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

## **COMPLETE IF KNOWN**

<b>Application Number</b>	10/500,240
<b>Filing Date</b>	March 23, 2005
<b>First Named Inventor</b>	S. Wildt
<b>Group Art Unit</b>	1632
<b>Examiner Name</b>	J. Hama
<b>Attorney Docket Number</b>	GF0022P

Sheet	3	of	3
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## **NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
/JH/	AA	Li et al., Nature Biotech., Vol. 24 (2006), pp. 210-215, "Optimization of humanized IgGs in glycoengineered <i>Pichia pastoris</i> "
	AB	Lifely et al., Glycobiology, Vol. 5 (1995), pp. 813-822, "Glycosylation and biological activity of CAMPATH-1H expressed in different cell lines ..."
	AC	Yamane-Ohnuki et al., Biotech. Bioengin., Vol. 87 (2004), pp. 614-622, "Establishment of FUT8 knockout Chinese hamster ovary cells: An ideal host cell line for producing ..."
	AD	Weikert et al., Nature Biol., Vol. 17 (1999), pp. 1116-1121, "Engineering Chinese hamster ovary cells to maximize sialic acid content of recombinant glycoproteins"
	AE	EP 1297172 B1 - Glycode Opposition Brief (French)
	AF	EP 1297172 B1 - Glycode Opposition Brief (English translation)
	AG	EP 1297172 B1 - Novozyme Opposition Brief
	AH	EP 1297172 B1 - Patentee's Reply to the Notice of Opinion
	AI	EP 1297172 B1 - EPO Non-Binding Opinion
✓	AJ	Maras et al., Glycoconjugate J., Vol. 16 (1999), pp. 99-107, "Filamentous fungi as production organisms for glycoproteins of bio-medical interest"

Examiner Signature	/Joanne Hama/	Date Considered	03/18/2008
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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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# MISC. FEE TRANSMITTAL

Patent fees are subject to annual revision.



TOTAL AMOUNT OF PAYMENT

\$180

Complete if Known

Application Number	10/500,240
Filing Date	March 23, 2005
First Named Inventor	Wildt et al.
Examiner Name	J. Hama
Group Art Unit	1632
Attorney Docket Number	GF0022P

## METHOD OF PAYMENT

☒ Deposit Account

Deposit Account Number 13-2755

Deposit Account Name Merck & Co., Inc.

The Director is authorized to:

☒ Charge fee(s) indicated below

☒ Credit any overpayments

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17

## FEE CALCULATION

### FEES

#### Large Entity

Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	Surcharge - late filing fee or oath	
1051	130	Non-English Specification	
1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1402	500	Filing a brief in support of an appeal	
1452	500	Petition to revive - unavoidable	
1453	1,500	Petition to revive - unintentional	
1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	Submission of Information Disclosure Statement	180
1809	790	Filing a submission after final rejection (37 CFR 1.129(b))	
1810	790	For each additional invention to be examined (37 CFR 1.129(b))	
1840	130	Statutory Terminal Disclaimer under 37 CFR 1.321	
		Other fee (specify) _____	
		Other fee (specify) _____	
TOTAL			\$180

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 MERCK & CO., INC.  
 By: [Signature] Date: 7/30/2007

## SUBMITTED BY

Typed or Printed Name

JOHN DAVID REILLY

Signature

[Signature]

Date

7-30-2007

## Complete (if applicable)

Reg. Number 43,039

Deposit Account User ID